

25893. Adulteration of apples. U. S. v. 1,843 Bushels of Grimes Golden Apples and five other libel proceedings against 5,628 bushels of several varieties of apples. Cases consolidated. Consent decree of condemnation providing for release of the product to the claimant for reconditioning by washing, upon furnishing of bond. (F. & D. nos. 36563, 36565, 36566, 36567, 36730, 36731. Sample nos. 35432-B to 35438-B, incl., 45201-B, 45202-B.)

The apples involved in these several proceedings contained added lead and arsenic.

In the period from on or about October 1 to October 19, 1935, the United States attorney for the Western District of Kentucky, acting upon reports by the director, Bureau Foods, Drugs and Hotels of the State of Kentucky, filed in the district court six libels praying seizure and condemnation of 7,471 bushels of apples at Louisville, Ky., alleging that the apples had been shipped in interstate commerce in the period from on or about September 14, 1935, to on or about October 2, 1935, by Hobbs & Hawkins Orchards, Mitchell, Ind., from that place to Louisville, Ky., and charging in each case adulteration in violation of the Food and Drugs Act.

Adulteration of the product in each of the libels was charged under the allegation that it contained added poisonous and deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On November 7, 1935, a consent decree of condemnation was entered in the consolidated case, providing for release of the products to the claimant for reconditioning by washing, upon furnishing of bond in the sum of \$8,000.

W. R. GREGG, *Acting Secretary of Agriculture.*

25894. Misbranding of canned peas. U. S. v. 120 Cases of Green Pac Brand Garden Run Early June Peas, and eight other libel proceedings against canned peas. Decrees of condemnation. Certain lots released under bond for relabeling. Other lots ordered delivered to charity or emergency relief organizations. One lot ordered destroyed. (F. & D. nos. 36543, 36608, 36610, 36611, 36632 to 36635, incl., 36659. Sample nos. 54011-B, 54041-B to 54049-B, incl., 54064-B.)

The article involved in these proceedings was substandard in quality and condition and its labels were without a plain and conspicuous statement indicative of that fact and bore the untrue statement that they had been packed by the Greencastle Packing Co.

On October 28, November 8, 12, 16, 21, and 22, 1935, the United States attorneys for the Eastern and the Middle Districts of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 551 cases of canned peas in various lots at Auburn, Reading, Wilkes-Barre, Tamaqua, Allentown, Hazelton, Sunbury, and Pottsville, Pa. The product had been shipped in interstate commerce between the dates of July 13 and August 19, 1935, in part by or on behalf of the Greencastle Packing Co., from Baltimore, Md., and in part by the Hillsboro-Queen Anne Cooperative Corporation, from Lewes, Del., to Greencastle, Pa., from which place they were distributed by the Greencastle Packing Co.

The article was labeled, variously: (Can) "Green Pac Brand Garden Run Early June Peas * * * Packed by the Greencastle Packing Co. Greencastle, Franklin Co. Penna."; (can) "Anchor Brand Garden Run Early June Peas * * * Packed by The Greencastle Packing Co. Greencastle, Franklin Co. Pa."; (can) "Vestibule Brand Early June Peas * * * Packed by the Greencastle Packing Co. Greencastle, Franklin Co. Pa."

The libels alleged that the article was misbranded in violation of the Food and Drugs Act as amended in that the statement on the label, "Packed by The Greencastle Packing Co. Greencastle, Franklin Co. Pa.", was false and misleading and tended to deceive and mislead the purchaser, since said company was not the packer of the article; and in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture in that the peas were not immature, and its label did not bear a plain and conspicuous statement as prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On November 21, 1935, and January 3, 1936, decrees of condemnation were entered in four proceedings in the Eastern District of Pennsylvania, involving a total of 341 cases of the product seized at Auburn, Reading, Allentown, and Pottsville, providing for release of the goods to the claimant, the Greencastle Packing Co., under bond conditioned that it be relabeled. On December 10, 1935, and January 10, 1936, no claim having been made for the remainder of the goods, judgments of condemnation were entered. The lot seized at Tamaqua, Pa., was

ordered destroyed and the lots seized at Wilkes-Barre, Hazelton, and Sunbury, Pa., were ordered delivered to charitable or relief organizations for use, and not for sale.

W. R. GREGG, *Acting Secretary of Agriculture.*

25895. Adulteration of canned salmon. U. S. v. 3,900 Cases of Canned Salmon. Consent decree of condemnation, providing for release of the product under bond for separation and destruction of the adulterated portion. (F. & D. no. 36622. Sample nos. 53622-B, 53644-B, 53645-B, 53671-B.)

Decomposed salmon was present in this product.

On November 15, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,900 cases of canned salmon at Seattle, Wash., alleging the article had been shipped in interstate commerce on or about August 31, 1935, from Litnikoff Cove, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The shipment was made by the Haines Packing Co.

Adulteration of the product was charged under the allegation that it consisted in whole or in part of a decomposed animal substance.

On January 14, 1936, Tim Vogel, claimant, consenting, a decree of condemnation was entered providing for release of the product to the claimant for separation of the adulterated salmon from the unadulterated, and destruction of the adulterated portion, upon furnishing bond in the sum of \$5,000.

W. R. GREGG, *Acting Secretary of Agriculture.*

25896. Adulteration of cheese. U. S. v. 239 Boxes of Cheese. Consent decree of condemnation providing for release of the product under bond for relabeling. (F. & D. no. 36654. Sample no. 42609-B.)

This product was deficient in milk fat.

On November 22, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 239 boxes of cheese at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 3, 1935, by the Sunrise Dairy Products Co., from Freemont, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Daisy Whole Milk White Cheese"; (box) "41955 White Whole Milk D 19183."

Adulteration of the article was charged under the allegation that a substance deficient in fat had been substituted for cheese which the product purported to be.

On January 30, 1936, the Merchants Refrigerating Co., the claimant, consenting, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled "Skim Milk Cheese" or "Cheese made from skim milk."

W. R. GREGG, *Acting Secretary of Agriculture.*

25897. Adulteration and misbranding of alleged condensed buttermilk and alleged near solid buttermilk. U. S. v. 42 Barrels of Alleged Condensed Buttermilk, and other libel proceedings. Decrees of condemnation and forfeiture. Certain lots released under bond for relabeling. The remainder destroyed. (F. & D. nos. 36670, 36681, 36684. Sample nos. 43537-B, 43538-B, 44719-B.)

These products were sold as condensed buttermilk and near solid buttermilk, respectively, and were found to contain added coconut oil.

On November 29, November 30, and December 2, 1935, the United States attorneys for the Districts of Connecticut and New Jersey, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 42 barrels of alleged condensed buttermilk at East Hartford, Conn., 14 barrels of alleged condensed buttermilk at Norwich, Conn., and 15 barrels of alleged near solid buttermilk at Vineland, N. J. The libels alleged that the articles had been shipped in interstate commerce by the Center Milk Products Co. of Middlebury Center, Pa., in part on or about September 16 and October 19, 1935, from Middlebury Center, Pa., and in part on or about September 16, 1935, from Knoxville, Pa., into the States of Connecticut and New Jersey, respectively, and charged adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Big Y Condensed Buttermilk from Churned Cream * * * Mfg. for Yantic Grain and Products Co. Norwich, Conn."; "Vita Brand Near